

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**FREEDOM FROM RELIGION  
FOUNDATION, INC.; ANNE NICOL  
GAYLOR; ANNIE LAURIE GAYLOR;  
PAUL GAYLOR; DAN BARKER;  
PHYLLIS ROSE, and JILL DEAN,**

**Plaintiffs,**

**v.**

**Case No: 08-CV-588**

**PRESIDENT BARACK OBAMA; WHITE HOUSE  
PRESS SECRETARY ROBERT GIBBS; WISCONSIN  
GOVERNOR JIM DOYLE; and SHIRLEY DOBSON,  
CHAIRMAN OF THE NATIONAL  
DAY OF PRAYER TASK FORCE,**

**Defendants.**

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**JOINT MOTION TO  
EXTEND BRIEFING SCHEDULE**

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The parties jointly move the Court to extend the date for plaintiffs' response briefs to the three motions for summary judgment by defendants, as well as defendants' reply briefs. The plaintiffs' responses are presently scheduled to be filed on or before October 30, 2009. The parties move the Court to extend the response date to November 16, 2009, after which the defendants' reply briefs would be due on December 4, 2009. Counsel for all parties have authorized the filing of this motion.

This motion is based upon scheduling difficulties related to witness availability, as well as the pressing commitments of plaintiffs' counsel in other pending matters.

Plaintiffs' counsel is presently involved in complex appellate briefing in the Wisconsin Court of Appeals, which brief is due on October 26, 2009.

Plaintiffs' counsel also is preparing motions in limine, instructions, trial brief, verdict, etc., in a case pending in the Central District of California, which trial is set to begin on December 1, 2009. The pre-trial filings are scheduled to be submitted this Friday, October 23, 2009.

Plaintiffs' counsel also must travel to California for pre-trial proceedings in the Central District of California, Case No: 08-07833. Plaintiffs' counsel must be in California on October 29 and 30, 2009, and cannot schedule return to Madison, Wisconsin, until October 31, 2009.

Finally, counsel have been attempting to schedule the deposition of defendant, Shirley Dobson, but because of scheduling difficulties by Ms. Dobson, which the parties have amicably worked to resolve, the deposition is now scheduled for November 10, 2009.

To the extent this Court grants plaintiffs' motion for an extension of time to November 16, 2009 to file their opposition brief, defendants' reply briefs would otherwise be due on Friday, November 27, 2009 -- the day immediately after Thanksgiving. Due to the intervening Thanksgiving holiday, as well as the substantial issues raised by defendants' motions and the need to obtain internal review of the reply briefs before they are filed, the defendants respectfully request that their reply briefs be due on December 4, 2009.

The scheduling difficulties identified involve matters that recently arose, including the scheduling of briefing in the Wisconsin Court of Appeals and the scheduled proceedings in California. The upcoming pre-trial proceedings in California, for example, were scheduled

on October 2, 2009, and the briefing in the Wisconsin Court of Appeals was set on September 29, 2009.

Counsel for all the parties have worked amicably to resolve scheduling conflicts, including in this instance. This motion is not brought for any reasons of intended delay or obstruction.

Dated this 19th day of October, 2009.

/s/ Richard L. Bolton  
Richard L. Bolton, State Bar No. 1012552  
1 S. Pinckney Street, 4th Floor  
P. O. Box 927  
Madison, WI 53701-0927  
PH: (608) 257-9521  
FAX: (608) 283-1709  
rbolton@boardmanlawfirm.com  
Attorneys for Plaintiffs